FOREIGN FILING CONSIDERATIONS

1. In general, we don't have to file patent applications abroad just to be able to use the invention ourselves.

2. Whether or not we are free to use an invention may depend on prior patents of others.

3. Our own filing has no effect on whatever patent position others may be able to obtain on the basis of their earlier filed applications.

4. In most countries, a publication (or other public disclosure) anywhere in the world constitutes an obstacle to anyone patenting what has been disclosed, unless their application for patent was filed before the date of publication.

5. Principal criteria for foreign filing decisions are:

   (a) work from a priority listing of countries, taking into account the potential market size, the expected extent of competitive selling activity, and the likelihood of others making the large capital investment needed for production facilities;

   (b) for product inventions, file in countries where having a patent might be expected to help us stop the manufacture or sale of an infringing product;

   (c) for method or apparatus inventions and secondary product features such as components, file in countries where competitors are likely to have manufacturing facilities (or where key suppliers are located) if having a patent might be expected to help us limit the operation of such facilities for local sales or export;

   (d) countries having only rudimentary patent systems or uncertain enforcement procedures are poor choices for patent effort, as a general rule;

   (e) many if not most countries either provide for compulsory licenses, or actually revoke patents, unless the patented invention is used domestically within 3 years; and merely importing a product often will not suffice.

6. Most countries of interest to us (exceptions include India, Pakistan, Venezuela) are members of an International Convention or other treaty arrangement affording the benefit of our U.S. filing date, and allowing a one-year period for filing on that basis.

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Source: https://www.industrydocuments.ucsf.edu/docs/gpgj0000